

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 445

Introduced by Assembly Member Carter

February 15, 2011

~~An act to amend Section 25101 of the Health and Safety Code, relating to hazardous waste. An act to add Section 33492.30 to the Health and Safety Code, relating to redevelopment.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 445, as amended, Carter. ~~Hazardous waste. Redevelopment.~~

The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities to address the effects of blight, as defined. The law also authorizes an agency to adopt a project area that includes federal military base properties that have been closed by the federal government, for purposes of redevelopment, as specified.

This bill would require, notwithstanding anticipated proposed legislation, that an agency shall continue in full force and effect with respect to a military base reuse project under the jurisdiction of that agency, as specified.

~~Existing law provides for the regulation of hazardous waste by the Department of Toxic Substances Control and makes a declaration of legislative intent regarding that regulation.~~

~~This bill would delete obsolete provisions from, and make nonsubstantive changes to, that declaration of legislative intent.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. This act shall be known, and may be cited, as the*
2 *2011 Military Base Reuse Preservation Act.*

3 *SEC. 2. The Legislature finds and declares all of the following:*

4 *(a) Since the Legislature first enacted legislation in 1989, known*
5 *as Assembly Bill 409, to address military base closures in San*
6 *Bernardino County, the Legislature has adopted similar military*
7 *base closure statutes to provide redevelopment assistance to base*
8 *closure reuse agencies for Fort Ord, March Air Force Base,*
9 *Hamilton Field, Mare Island, Tustin Marine Corp Air Station,*
10 *Alameda Naval Air Station, Castle Air Force Base, Mather Air*
11 *Force Base, McClellan Air Force Base, and Norton and George*
12 *Air Force Bases.*

13 *(b) The state has implemented a policy of granting additional*
14 *redemption powers to communities affected by federal military*
15 *base closures in furtherance of their need to redevelop and improve*
16 *military facilities that were conveyed to local communities and*
17 *other governmental and nonprofit organizations. Only through*
18 *these redevelopment efforts have the base closure communities*
19 *been able to begin to address many of the environmental and*
20 *physical deficiencies and other problems that remain on the former*
21 *military base properties after their closure.*

22 *(c) In order to address the current budget crisis, the Governor*
23 *has proposed various budget alternatives relating to redevelopment*
24 *agencies, which will have a serious adverse financial impact on*
25 *the continued progress for communities addressing issues related*
26 *to military base closures in the communities that are identified in*
27 *the Community Redevelopment Law (Part 1 (commencing with*
28 *Section 33000) of Division 24 of the Health and Safety Code).*

29 *(d) This bill intends to preserve the statutory provisions in the*
30 *Community Development Law that relate to military base*
31 *conversion agencies by exempting these agencies from the effects*
32 *of the Governor's proposed legislation relating to redevelopment*
33 *agencies.*

34 *SEC. 3. Section 33492.30 is added to the Health and Safety*
35 *Code, to read:*

36 *33492.30. (a) (1) The Legislature finds and declares that*
37 *extraordinary measures must continue to be taken to mitigate the*
38 *effects of the federal government's efforts to reduce the number*

1 of military bases throughout the country and, in particular, the
2 adverse economic impacts of military base closures within the
3 state. The Legislature further finds and declares that it is in the
4 best interests of the state to continue to support statutory provisions
5 contained in this chapter relating to mitigating the economic and
6 social degradation that is faced by communities in jurisdictions
7 that include military bases that have been ordered to be closed or
8 to be realigned by the Federal Base Closure Commission.

9 (2) The Legislature finds and declares that this section is
10 necessary to preserve certain contractual obligations, debt
11 instruments, and other programs and activities that are presently
12 being utilized or are proposed to be utilized in order to continue
13 efforts relating to economic development, infrastructure repair or
14 replacement, and military base reuse at military bases described
15 in this chapter. This section assists the communities in the state
16 that are most impacted by the severe economic conditions,
17 statewide and nationally, that are exacerbated by the additional
18 adverse financial impacts brought about through a military base
19 closure or realignment in local communities, by allowing agencies
20 to continue to utilize the redevelopment powers authorized by this
21 part.

22 (b) Notwithstanding the provisions of Part 1.8 (commencing
23 with Section 34161) of and Part 1.85 (commencing with Section
24 34170), an agency shall continue in full force and effect with
25 respect to a military base reuse project under the jurisdiction of
26 that agency pursuant to this chapter. Part 1 (commencing with
27 Section 33000), Part 1.5 (commencing with Section 34000), Part
28 1.6 (commencing with Section 34050), Part 1.7 (commencing with
29 Section 34100), and all other applicable laws pertaining to the
30 agency for purposes of the military base reuse project pursuant
31 to this chapter shall continue in full force and effect. Project
32 completion and agency dissolution dates set forth in joint powers
33 agreements, redevelopment plans, or other official documents
34 approved by the applicable governing board for each military base
35 reuse agency, joint powers authority, or redevelopment agency
36 shall continue in full force and effect.

37 ~~SECTION 1. Section 25101 of the Health and Safety Code is~~
38 ~~amended to read:~~

39 ~~25101. The Legislature therefore declares that:~~

1 ~~(a) In order to protect the public health and the environment~~
2 ~~and to conserve natural resources, it is in the public interest to~~
3 ~~establish regulations and incentives to ensure that the generators~~
4 ~~of hazardous waste employ technology and management practices~~
5 ~~for the safe handling, treatment, recycling, and destruction of their~~
6 ~~hazardous wastes prior to disposal.~~

7 ~~(b) The Legislature further declares that to protect the public of~~
8 ~~this state and particularly the communities where hazardous wastes~~
9 ~~are treated and disposed of, it is essential to ensure full~~
10 ~~compensation of all people injured or damaged by hazardous~~
11 ~~wastes.~~

12 ~~(c) It is in the best interest of the health and safety of the people~~
13 ~~of the State of California for the state to obtain and maintain~~
14 ~~authorization to administer a state hazardous waste program in~~
15 ~~lieu of the federal program pursuant to Section 3006 of Public Law~~
16 ~~94-580, as amended, the Resource Conservation and Recovery~~
17 ~~Act of 1976 (42 U.S.C. 6926). Therefore, it is the intent of the~~
18 ~~Legislature that the director shall have those powers necessary to~~
19 ~~secure and maintain interim and final authorization for the state~~
20 ~~hazardous waste program pursuant to the requirements of Section~~
21 ~~3006 of Public Law 94-580, the Resource Conservation and~~
22 ~~Recovery Act of 1976 (42 U.S.C. 6926), and to implement that~~
23 ~~program in lieu of the federal program.~~